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CELL-004-4/US**DECLARATION AND POWER OF ATTORNEY**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

GENERATION OF XENOGENEIC ANTIBODIES

the specification of which:

☐ is attached hereto.

☒ was filed on March 15, 1993, and identified as Attorney Docket No. A-55172-4/BIR CELL 004-4.

☒ was filed on March 15, 1993, as Application Serial No. 08/031,801.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, code of Federal Regulations, Section 1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)

Priority Claimed

PCT/US 91/00245 11 January, 1991
(Country) (Number) (Day/Month/Year Filed)

Yes X No

I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose material information as defined in Title 37,

Code of Federal Regulations, Section 1.56 (a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

<u>07/919,297</u>	<u>July 24, 1992</u>	<u>pending</u>
(Application Serial No.)	(Filing Date)	(Status - patented, pending, abandoned)
<u>07/610,515</u>	<u>November 8, 1990</u>	<u>abandoned</u>
(Application Serial No.)	(Filing Date)	(Status - patented, pending, abandoned)
<u>07/466,008</u>	<u>January 12, 1990</u>	<u>abandoned</u>
(Application Serial No.)	(Filing Date)	(Status - patented, pending, abandoned)

19 I hereby appoint the following attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith: Harold C. Hohbach, Reg. No. 17,757; Aldo J. Test, Reg. No. 18,048; Thomas O. Herbert, Reg. No. 18,612; Donald N. MacIntosh, Reg. No. 20,316; Jerry G. Wright, Reg. No. 20,165; Edward S. Wright, Reg. No. 24,903; David J. Brezner, Reg. No. 24,774; Richard E. Backus, Reg. No. 22,701; James A. Sheridan, Reg. No. 25,435; Robert B. Chickering, Reg. No. 24,286; Willis E. Higgins, Reg. No. 23,025; Gary S. Williams, Reg. No. 31,066; Richard F. Trecartin, Reg. No. 31,801; Stephen C. Durant, Reg. No. 31,506; C. Michael Zimmerman, Reg. No. 20,451; Walter H. Dreger, Reg. No. 24,190; Bertram I. Rowland, Reg. No. 20,015; SaraLynn Mandel, Reg. No. 31,853.

Direct all telephone calls to Bertram I. Rowland at (415) 494-8700.

Address all correspondence to:

FLEHR, HOHBACH, TEST,
ALBRITTON & HERBERT
Suite 3400, Four Embarcadero Center
San Francisco, California 94111

File No. A-55172-4/BIR CELL 004-4

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18, United States Code, §1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of
first inventor: 1-80 RAJU KUCHERLAPATI

Inventor's signature: *Raju Kucheralapati*

Date: April 19, 1993

Residence: 8 GRACIE LANE; DARIEN, CT 06820 CT

Citizenship: U.S.A.

Post Office Address: 8 GRACIE LANE; DARIEN, CT 06820

Full name of second inventor: 2-10 AYA JAKOBOVITS
Inventor's signature: Aya Jakobovits
Date: 4/21/93 CA
Residence: 2021 MONTEREY AVENUE; MENLO PARK, CA 94025
Citizenship: ISRAEL
Post Office Address: 2021 MONTEREY AVENUE; MENLO PARK, CA 94025

Full name of third inventor: 3-10 SUE KLAPHOLZ
Inventor's signature: Sue Klapholz
Date: April 21, 1993 CA
Residence: 76 PETER COUTTS CIRCLE; STANFORD, CA 94305
Citizenship: U.S.A.
Post Office Address: 76 PETER COUTTS CIRCLE; STANFORD, CA 94305

Full name of fourth inventor: 4-00 DANIEL G. BRENNER
Inventor's signature: Daniel G. Brenner
Date: April 1993 CA
Residence: 86 CENTRAL AVENUE; REDWOOD CITY, CA 94601
Citizenship: U.S.A.
Post Office Address: 86 CENTRAL AVENUE; REDWOOD CITY, CA 94601

Full name of fifth inventor: 5-00 DANIEL J. CAPON
Inventor's signature: Daniel J. Capon
Date: 4-22-93 CA
Residence: 90 WOODRIDGE ROAD; HILLSBOROUGH, CA 94010
Citizenship: U.S.A.
Post Office Address: 90 WOODRIDGE ROAD; HILLSBOROUGH, CA 94010



Applicant or Patentee: Raju Kucherlapati, et al. Attorney's Docket No.:
Serial Patent No.: 08/031,801 A-55172-4/BIR CELL-004-4
Filed or Issued: March 15, 1993
For: GENERATION OF XENOGENEIC ANTIBODIES

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY
STATUS (37 CFR 1.9(f) and 1.27(c)) - SMALL BUSINESS CONCERN

I hereby declare that I am

- ☐ the owner of the small business concern identified below:
☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN: Cell Genesys, Inc.
ADDRESS OF CONCERN: 322 Lakeside Drive
Foster City, CA 94404

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees to the Patent and Trademark Office under Section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention entitled GENERATION OF XENOGENEIC ANTIBODIES by inventor(s) RAJU KUCHERLAPATI, AYA JAKOBOVITS, SUE KLAPHOLZ, DANIEL G. BRENNER and DANIEL J. CAPON described in

- ☐ the specification filed herewith
☒ application serial no. 08/031,801, filed March 15, 1993
☐ patent no. _____, issued _____

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(d) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e). *NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

NAME: _____
ADDRESS: _____
☐ Individual ☐ Small Business Concern ☐ Nonprofit Organization

NAME: _____
ADDRESS: _____
☐ Individual ☐ Small Business Concern ☐ Nonprofit Organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b)).

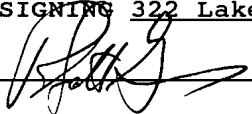
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING R. Scott Greer

TITLE IN ORGANIZATION Vice President of Corporate Development and Chief Financial Officer

ADDRESS OF PERSON SIGNING 322 Lakeside Drive; Foster City, CA 94404

SIGNATURE



DATE

4/28/93

Form 1.27

1/89